

DOCKET NO: 204684US6

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

MUNETOSHI MORIUCHI, ET AL. : EXAMINER: P. W. HUBER

SERIAL NO: 09/761,961 :

FILED: JANUARY 17, 2001 : GROUP ART UNIT: 2653

FOR: WRITING DEVICE :

PETITION FOR RECONSIDERATION UNDER 37 C.F.R. §1.181/
PETITION UNDER §1.137 (b) FOR ACCEPTANCE OF UNINTENTIONALLY
DELAYED PAPERS

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Decision on Petition issued on December 9, 2008, Applicants
hereby petition for reconsideration.

As discussed with Senior Petition Attorney Ms. Nancy Johnson by telephone on
Friday March 6, 2008, Applicants were notified on December 9, 2008 that the above-
captioned case was considered abandoned based upon formal papers provided to the Office
for the purpose for reconstructing a lost file. As explained to the Petition Attorney, the
papers provided to the Office were provided directly from the Applicants file, which included
unexecuted versions of previously filed papers.

As can be appreciated from review of these papers, (e.g., by the photocopy hole
punched marks in the top of these papers), these papers were not originally executed
documents, instead, the originally executed documents were provided to the Patent Office on
March 25, 2001. (See attached Appendix A). As the Office has now lost the original copies
of these papers, only unexecuted versions remain in the Applicants files. Nevertheless,

Applicants insist that the original copies were provided to the Office, as evidenced by the attached date-stamped filing receipts, and no Notice of Abandonment was ever received, as to any deficiency with regard to the March 25, 2001 filing. As such, it is the Applicants position that the consideration of abandonment based upon Applicants file copies is clearly erroneous.

Even though the Applicants insist that the Missing Parts Requirement was satisfied and that the Office did in fact receive executed versions of the papers in question, to finally settle this matter, Applicants suggest that if the above-noted explanation is not accepted by the Office, that this Petition be alternatively considered under 37 C.F.R. §1.137(b).

Applicants hereby petitions for entry of late papers.

The petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or Issue fee; and
- (3) Statement that the entire delay was unintentional.

(1) The required petition fee under 37 C.F.R. §1.17(m) of \$1620.00 is submitted herewith.

(2) Attached herewith is a PTO Cover Letter; Declaration under 37 C.F.R. §1.53(f), a Petition for Extension of Time, and an Authorization to Charge the undersigned's deposit account for any required fees.

Application No. 09/761,961

Petition For Reconsideration Under 37 C.F.R. §1.181/

Petition under §1.137 (b) for Acceptance of Unintentionally Delayed papers

(3) Applicants state that the entire delay, from March 25, 2001 to the date of this grantable petition was unintentional.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Scott A. McKeown
Registration No. 42,866

LS
OSMM&N File No. 204684US6

Dept.: EM

By: GJM:ctp

Serial No. 09/761,961

In the matter of the Application of: Munetoshi MORIUCHI, et al.

For: WRITING DEVICE

The following has been received in the U.S. Patent Office on the date stamped hereon:

<input type="checkbox"/> pp. Specification &	Claims/Drawings	Sheets
<input checked="" type="checkbox"/> Combined Declaration, Petition & Power of Attorney		4 pages
<input checked="" type="checkbox"/> Filing of Declaration		
<input checked="" type="checkbox"/> Notice to File Missing Parts		
<input type="checkbox"/> Notice of Priority		
<input checked="" type="checkbox"/> Check for \$950.00		
<input type="checkbox"/> Fee Transmittal Form		
<input type="checkbox"/> Assignment/PTO 1595 pages:		
<input type="checkbox"/> Letter to Official Draftsman		
<input type="checkbox"/> Letter Requesting Approval of Drawing Changes		
<input type="checkbox"/> Drawings	sheets	<input type="checkbox"/> Formal
<input checked="" type="checkbox"/> Letter (cover)		
<input type="checkbox"/> Amendment		
<input type="checkbox"/> Information Disclosure Statement		<input type="checkbox"/> PTO-1449
<input type="checkbox"/> Cited References		
<input type="checkbox"/> Search Report		
<input type="checkbox"/> Statement of Relevancy		
<input type="checkbox"/> IDS/Related/List of Related Cases		
<input type="checkbox"/> Restriction Response		
<input type="checkbox"/> Rule 132 Declaration		
<input checked="" type="checkbox"/> Petition for Extension of Time (1 Month)		
<input type="checkbox"/> Notice of Appeal		
<input type="checkbox"/> Brief		
<input type="checkbox"/> Issue Fee Transmittal		
<input type="checkbox"/> White Advance Serial Number Card		
<input type="checkbox"/> Small Entity Status is Claimed		
<input type="checkbox"/>		
<input type="checkbox"/>		

PTO-1449
MAY 25 2001
U.S. TRADEMARK OFFICE

Due Date: 5-28-01

PENDIX A



ATTORNEYS AT LAW

GREGORY J. MAIER
(703) 413-3000
GMAIER@OBLON.COM

ATTN: APPLICATION BRANCH

**THIS IS A RESPONSE TO A
NOTICE TO FILE MISSING
PARTS OF AN APPLICATION**

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Re: Inventor: Munetoshi MORIICHI, et al.
Serial No: 09/761,961
Filed: January 17, 2001
For: WRITING DEVICE

SIR:

Attached hereto for filing are the following papers:

Petition for Extension of Time (1 Month)
Notice to File Missing Parts
Filing of Declaration/Declaration

Our check in the amount of \$950.00 is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 CFR 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Docket No. 204684US6


Gregory J. Maier
Registration No. 25,599



22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/98)

*Greg A. McClelland
Registration No. 43,761*

1755 JEFFERSON DAVIS HIGHWAY ■ FOURTH FLOOR ■ ARLINGTON, VIRGINIA 22202 ■ U.S.A.
TELEPHONE: 703-413-3000 ■ FACSIMILE: 703-413-2220 ■ www.OBLON.COM

APPENDIX A

Docket No. 204684US6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Munetoshi MORIUCHI, et al.

GAU: 2818

SERIAL NO: 09/761,961

EXAMINER:

FILED: January 17, 2001

FOR: WRITING DEVICE

REQUEST FOR EXTENSION OF TIME
UNDER 37 C.F.R. 1.136

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

It is hereby requested that a one month extension of time be granted to May 28, 2001 for

- filing a response to the Official Action dated:
- responding to the requirements in the Notice of Allowability dated:
- filing the Formal Drawings. The Issue Fee due has been timely filed.
- responding to the Notice to File Missing Parts of Application dated: February 28, 2001
- filing a Notice of Appeal. A timely response to the final rejection, due has been filed.
- filing an Appeal Brief. A Notice of Appeal was filed on:
- Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown below is reduced by one-half.

The required fee of \$110.00 is enclosed herewith by check and any further charges may be made against the Attorney of Record's Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier
Registration No. 25,599



22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 11/98)

Registration No. 25,599

Docket No.

204684US6

APPENDIX A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Munetoshi MORIUCHI, et al.

SERIAL NUMBER: 09/761,961

ATTN: APPLICATION BRANCH

FILING DATE: January 17, 2001

FOR: WRITING DEVICE

FILING OF DECLARATION UNDER 37 CFR 1.53(f)

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Responsive to the notification dated February 28, 2001, and in accordance with the provisions of 37 CFR 1.53(f),
Applicants submit herewith a Rule 63 Declaration.

The required fee for filing the Declaration is submitted herewith.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is
earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier
Attorney of Record
Registration No. 25,599



22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/98)

Declaration and Power of Attorney For Patent Application

特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書

下記の氏名の発明者として、私は以下の通り宣言します。

私の住所、私書箱、国籍は下記の私の氏名の後に記載された通りです。

下記の名称の発明に関して請求範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者（下記の氏名が一つの場合）もしくは最初かつ共同発明者（下記の名称が複数の場合）であると信じています。

上記発明の明細書は、

- 本書に添付されています。
- ____月____日に提出され、米国出願番号または特許協定条約国際出願番号を_____とし、
(該当する場合)_____に訂正されました。

私は、特許請求範囲を含む上記訂正後の明細書を検討し、内容を理解していることをここに表明します。

私は、連邦規則法典第37編第1条56項に定義されるとおり、特許資格の有無について重要な情報を開示する義務があることを認めます。

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled,

WRITING DEVICE

the specification of which

- is attached hereto.
- was filed on January 17, 2001
as United States Application Number or 09/761,961
PCT International Application Number
_____ and was amended on
_____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

Japanese Language Declaration
(日本語宣言書)

PENDIX A

私は、米国法典第35編119条 (a) - (d) 項又は365条 (b) 項に基づき下記の、米国以外の國の少なくとも一カ国を指定する特許協力条約365 (a) 項に基づく国際出願、又は外国での特許出願もしくは発明者証の出願についての外国優先権をここに主張するとともに、優先権を主張している、本出願の前に出願された特許または発明者証の外国出願を以下に、枠内をマークすることで、示しています。

Prior Foreign Application(s)

外国での先行出願

P2000-017889

(Number)
(番号)

Japan

(Country)
(国名)

(Number)
(番号)

(Country)
(国名)

Priority Claimed
優先権主張

<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes はい	No いいえ
<input type="checkbox"/>	<input type="checkbox"/>
Yes はい	No いいえ

私は、第35編米国法典119条 (e) 項に基づいて下記の米国特許出願規定に記載された権利をここに主張いたします。

(Application No.)
(出願番号)

(Filing Date)
(出願日)

私は、下記の米国法典第35編120条に基づいて下記の米国特許出願に記載された権利、又は米国を指定している特許協力条約365条 (c) に基づく権利をここに主張します。また、本出願の各請求範囲の内容が米国法典第35編112条第1項又は特許協力条約で規定された方法で先行する米国特許出願に開示されていない限り、その先行米国出願書提出日以降で本出願書の日本国内または特許協力条約国提出日までの期間中に入手された、連邦規則法典第37編1条56項で定義された特許資格の有無に関する重要な情報について開示義務があることを認識しています。

(Application No.)
(出願番号)

(Filing Date)
(出願日)

私は、私自信の知識に基づいて本宣言書中で私が行なう表明が真実であり、かつ私の入手した情報と私の信じるところに基づく表明が全て真実であると信じていること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基づき、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の声明を行なえば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣誓を致します。

I hereby claim foreign priority under Title 35, United States Code, Section 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

24/01/2000	(Day/Month/Year Filed) (出願年月日)
------------	-----------------------------------

(Day/Month/Year Filed)
(出願年月日)

Priority Claimed
優先権主張

<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes はい	No いいえ
<input type="checkbox"/>	<input type="checkbox"/>
Yes はい	No いいえ

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

(Application No.)
(出願番号)

(Filing Date)
(出願日)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.

(Status: Patented, Pending, Abandoned)
(現況:特許許可済、係属中、放棄済)

(Status: Patented, Pending, Abandoned)
(現況:特許許可済、係属中、放棄済)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Japanese Language Declaration
(日本語宣言書)

PENDIX A

委任状：私は下記の発明者として、本出願に関する一切の手続きを米特許商標局に対して遂行する弁理士または代理人として、下記の者を指名いたします。
(弁護士、または代理人の指名及び登録番号を明記のこと)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)



022850

書類送付先

Send Correspondence to:



022850

直接電話連絡先：(名前及び電話番号)

Direct Telephone Calls to: (name and telephone number)
(703) 413-3000

単独発明者または第一の共同発明者の氏名	Full name of sole or first joint inventor MUNETOSHI MORIICHI	
発明者の署名	Inventor's signature <i>Munetoshi Moriichi</i>	Date <i>May 8, 2001</i>
住所	Residence Kanagawa, Japan	
国籍	Citizenship Japan	
郵便の宛先	Post Office Address c/o Sony Corporation 7-35, Kitashinagawa 6-chome	
	Shinagawa-ku, Tokyo, 141-0001 Japan	
第二の共同発明者の氏名	Full name of second joint inventor, if any MITSUYUKI BAMBA	
第二の共同発明者の署名	Second joint Inventor's signature <i>Mitsuyuki Bamba</i>	Date <i>May 8, 2001</i>
住所	Residence Saitama, Japan	
国籍	Citizenship Japan	
郵便の宛先	Post Office Address c/o Sony Corporation 7-35, Kitashinagawa 6-chome	
	Shinagawa-ku, Tokyo, 141-0001 Japan	

(第三以降の共同発明者についても同様に記載し、署名すること)

(Supply similar information and signature for third and subsequent joint inventors.)

Japanese Language Declaration

		Full name of third joint inventor, if any TAKASHI SASAKI
日付		Third Inventor's signature Takashi Sasaki
住所		Residence Kanagawa, Japan
国籍		Citizenship Japan
郵便の宛先		Post Office Address c/o Sony Corporation 7-35, Kitashinagawa 6-chome
		Shinagawa-ku, Tokyo, 141-0001 Japan
		Full name of fourth joint inventor, if any
日付		Fourth Inventor's signature
住所		Residence
国籍		Citizenship
郵便の宛先		Post Office Address
		Full name of fifth joint inventor, if any
日付		Fifth Inventor's signature
住所		Residence
国籍		Citizenship
郵便の宛先		Post Office Address
		Sixth Inventor's signature
日付		Full name of sixth joint inventor, if any
住所		Residence
国籍		Citizenship
郵便の宛先		Post Office Address

(第六またはそれ以降の共同発明者に対しても同様な情報および署名を提供すること。)

(Supply similar information and signature for third and subsequent joint inventors.)